

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

ROY PIPPIN,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Civil Action No. H-07-0982
	§	
NATHANIEL QUARTERMAN,	§	
Director, TDCJ-ID, JOHN DOE,	§	
Warden, TDCJ-ID, Walls Unit,	§	
JOHN DOE, Executioner(s), TDCJ-ID,	§	
Walls Unit, RICK PERRY, Governor,	§	
State of Texas,	§	
	§	
Defendants.	§	

**ORDER DENYING PETITIONER'S MOTION TO PROCEED
*IN FORMA PAUPERIS***

Plaintiff Roy Pippin is a death row inmate, currently in the custody of the Texas Department of Criminal Justice. He has filed a complaint under 42 U.S.C. § 1983, and seeks leave to proceed *in forma pauperis*. This motion is accompanied by a prison account statement indicating that Pippin has some money in his account, though not enough to pay the full filing fee.

28 U.S.C. § 1915(b) provides that a prisoner must pay filing fees consisting of the greater of the average monthly deposits to the prisoner's account over the past six months, or the average monthly balance in the account over the previous six months. The account statement accompanying Pippin's motion shows that the average monthly balance of his account over the past six months was \$286.13, though his current balance is only \$33.24.

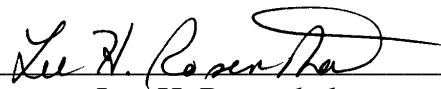
Therefore, under 28 U.S.C. § 1915(b), Pippin must pay \$57.23. In light of the time-sensitive nature of his complaint, however, Pippin will be permitted to file the complaint, and payment will be made from his account within 30 days.

Accordingly,

IT IS ORDERED THAT Pippin's Motion to proceed *in forma pauperis* (Docket Entry 2) is **Denied**;

IT IS FURTHER ORDERED THAT a filing fee in the amount of \$57.23 or, in the event Pippin is executed as scheduled on March 29, 2007, the remaining balance in his prisoner account if less than the full filing fee, be paid to the Court within 30 days.

SIGNED on March 26, 2007, at Houston, Texas.

A handwritten signature in black ink, appearing to read "Lee H. Rosenthal", is written over a horizontal line.

Lee H. Rosenthal
United States District Judge